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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOHN DIAZ,

Plaintiff.

V.

LODI ASSOCIATION OF REALTORS®,
CENTRAL VALLEY ASSOCIATION OF
REALTORS®, CALIFORNIA
ASSOCIATION OF ASSOCIATION OF
REALTORS®, NATIONAL ASSOCIATION
OF REALTORS®, AND DOES 1 THROUGH
5, INCLUSIVE.

Defendants.

Case No. 2:25-cv-01594-DC-CKD

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANTS
NATIONAL ASSOCIATION OF
REALTORS®, CALIFORNIA
ASSOCIATION OF REALTORS®,
LODI ASSOCIATION OF
REALTORS®, AND CENTRAL
VALLEY ASSOCIATION OF
REALTORS® REPLY IN SUPPORT OF
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Date: September 5, 2025
Time: 1:30 p.m.
Courtroom: 8, 13th Floor

1 PLEASE TAKE NOTICE that, pursuant to Federal Rule of Evidence 201, Defendants
2 National Association of REALTORS®, California Association of REALTORS®, Lodi Association
3 of REALTORS®, and Central Valley Association of REALTORS® (“Defendants”) hereby request
4 that the Court take judicial notice of the following documents in connection with Defendants’ Reply
5 in Support of Their Motion to Dismiss Plaintiff John Diaz’s (“Plaintiff”) Complaint:

6 **Exhibit 1** is a true and accurate copy of MetroList’s Participant Application form, available
7 at <https://online.metrolist.net/DocuWare/Forms/participant-application-mls-only?orgID=304839db-0bed-49fb-a788-a48cdc0a2b0f>.

8 **Exhibit 2** is a true and accurate copy of an excerpt of the MetroList MLS Rules, showing
9 Rule 4, “Participant and Authorized Access,” available at https://prospector.metrolist.net/documents/mls_rules/MLS_Rules.pdf.

10 **Exhibit 3** is a true and accurate copy of an excerpt of the CRMLS Rules & Policies, showing
11 Rule 4, “Participant and Authorized Access,” available at <https://go.crmls.org/crmls-rules-and-policies/>.

12 **ARGUMENT**

13 On a motion to dismiss, courts may look beyond the pleadings at “matters of which a court
14 may take judicial notice” without converting the motion into one for summary judgment. *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *see also U.S. v. Ritchie*, 342 F.3d
15 903, 907–08 (9th Cir. 2003) (“A court may, however, consider certain materials . . . without
16 converting the motion to dismiss into a motion for summary judgment.”).

17 Federal Rule of Evidence 201 allows the court to take judicial notice of facts that are “not
18 subject to reasonable dispute” because they are (1) “generally known within the trial court’s
19 territorial jurisdiction” or (2) “can be accurately and readily determined from sources whose
20 accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). A court “must take judicial
21 notice if a party requests it and the court is supplied with the necessary information.” Fed. R.
22 Evid. 201(c)(2).

23 Exhibits 1, 2, and 3 are publicly available information on the websites of MetroList and
24 CRMLS, which are available to the general public, including to Plaintiff. Plaintiff directly

1 references both MetroList and CRMLS in his Opposition and makes representations about the
2 entities, representations which are directly contradicted by these publicly available sources.

3 Here, Defendants respectfully request that the Court take judicial notice of Exhibits 1, 2,
4 and 3, attached to this Request for Judicial Notice.

5 Dated: August 7, 2025
6

7 WHITE & CASE LLP
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9 By: /s/ Jeremy Ostrander
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13 *Attorney for Defendants National Association of
14 REALTORS®, California Association of
15 REALTORS®, Lodi Association of
16 REALTORS®, and Central Valley Association
17 of REALTORS®*

PROOF OF SERVICE

I, Jeremy Ostrander, certify and declare as follows:

I am employed in the county of Santa Clara, State of California. I am over the age of 18 and not a party to the action within. My business address is 3000 El Camino Real 2 Palo Alto Square, Suite 900, Palo Alto, California 94306-2109.

On August 7, 2025, I caused a copy of **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANTS NATIONAL ASSOCIATION OF REALTORS®, CALIFORNIA ASSOCIATION OF REALTORS®, LODI ASSOCIATION OF REALTORS®, AND CENTRAL VALLEY ASSOCIATION OF REALTORS® REPLY IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT** to be served upon all counsel of record via the Court's CM/ECF system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 7, 2025 at Palo Alto, California.

s/ Jeremy Ostrander
Jeremy Ostrander